

CHAPTER 1107**VETERANS COMMEMORATIVE PROPERTY**

S.F. 2333

AN ACT relating to the transfer of veterans commemorative property placed in a cemetery, recodifying a provision regarding veteran markers, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 35A.5, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Authorize the sale, trade, or transfer of veterans commemorative property pursuant to chapter 37A.

Sec. 2. **NEW SECTION.** 37A.1 VETERANS COMMEMORATIVE PROPERTY.

1. For purposes of this chapter, unless the context otherwise requires:

a. "Cemetery" means as defined in section 523I.102, but includes pioneer cemeteries. "Cemetery" does not include religious cemeteries as defined in section 523I.102 that commenced business prior to July 1, 2005.

b. "Department" means the Iowa department of veterans affairs.

c. "Veteran" means a deceased person who served in the armed forces of the United States during a war in which the United States was engaged or served full-time in active duty in a force of an organized state militia, excluding service in the national guard when in an inactive status.

d. "Veterans commemorative property" means any memorial as defined in section 523I.102, including a headstone, plaque, statue, urn, decoration, flag holder, badge, shield, item of memorabilia, or other embellishment, that meets all of the following criteria:

(1) Is over seventy-five years old.

(2) Identifies or commemorates any veteran or group of veterans, including any veterans organization or any military unit, company, battalion, or division.

(3) Has been placed in a cemetery.

e. "Veterans organization" means the grand army of the republic, sons of union veterans of the civil war, sons of confederate veterans, veterans of foreign wars, disabled American veterans, united Spanish war veterans, the Jewish war veterans of the United States, inc., the catholic war veterans, inc., American legion, American veterans of World War II, Italian American war veterans of the United States, inc., or other corporation or association of veterans.

2. A person who owns or controls a cemetery where any veterans commemorative property has been placed shall not sell, trade, or transfer any part of such veterans commemorative property unless the department authorizes the person to do so. The department may authorize the sale, trade, or transfer based upon the following criteria:

a. The veterans commemorative property is at reasonable risk of physically deteriorating so that it will become unrecognizable as identifying or commemorating the veteran or group of veterans originally identified or commemorated.

b. The veterans commemorative property is proposed to be sold, traded, or transferred to a suitable person that will preserve the current condition of the veterans commemorative property and place it in a suitable place that will commemorate the veteran or group of veterans.

c. The person needs to sell, trade, or transfer the veterans commemorative property to ensure that sufficient funds are available to suitably maintain the cemetery where the veterans commemorative property is placed, and the specific lot, plot, grave, burial place, niche, crypt, or other place of interment of such veteran or group of veterans.

d. The veterans commemorative property that is to be sold, traded, or transferred will be replaced at its original site by a fitting replacement commemorative property, monument, or marker that appropriately identifies and commemorates the veteran or group of veterans.

e. If the person reasonably believes that the veterans commemorative property to be sold, traded, or transferred was donated by a veterans organization, the veterans organization consents to the sale, trade, or transfer of the veterans commemorative property.

f. If the person is not the owner of the veterans commemorative property that is to be sold, traded, or transferred, the person is authorized by the owner of such veterans commemorative property, or by operation of law other than this section, to sell, trade, or transfer the veterans commemorative property and to retain and use the proceeds of the sale, trade, or transfer.

3. A person who engages in the sale, trade, or transfer of veterans commemorative property without the authorization of the department pursuant to this section is guilty of a simple misdemeanor.

4. The department may adopt rules in accordance with chapter 17A to administer this chapter.

Sec. 3. CODE EDITOR DIRECTIVE. The Code editor is directed to transfer section 714.7A regarding theft of a veteran's grave marker to chapter 35B as section 35B.16A.

Approved May 8, 2006

CHAPTER 1108

VETERANS LIFETIME FISHING AND HUNTING LICENSES

H.F. 2244

AN ACT relating to hunting and fishing licenses for certain veterans.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 483A.24, subsection 13, Code Supplement 2005, is amended to read as follows:

13. Upon payment of the fee of ~~thirty five~~ five dollars for a lifetime fishing license or lifetime hunting and fishing combined license, the department shall issue a lifetime fishing license or lifetime hunting and fishing combined license to a resident of Iowa who is a veteran, as defined in section 35.1, or served in the armed forces of the United States for a minimum aggregate of ninety days of active federal service and who was disabled or was a prisoner of war during that veteran's military service. The department shall prepare an application to be used by a person requesting a lifetime fishing license or lifetime hunting and fishing combined license under this subsection. The department of veterans affairs shall assist the department in verifying the status or claims of applicants under this subsection. As used in this subsection, "disabled" means entitled to compensation under the United States Code, Title 38, ch. 11.

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